**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

MULTIMEDIA CONTENT	§	
MANAGEMENT LLC,	§	Civil Action No.: 6:18-cv-00207-ADA
Plaintiff	§	
	§	JURY TRIAL DEMANDED
v.	§	
	§	PATENT CASE
DISH NETWORK CORPORATION,	§	
Defendant.	§	
	§	

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Pursuant to the agreement between the parties, Defendant DISH Network Corporation ("Defendant") and Plaintiff Multimedia Content Management LLC ("Plaintiff") in the above-consolidated action respectfully submit this Joint Claim Construction and Prehearing Statement for the asserted claims of U.S. Patent Nos. 8,799,468 ("the '468 Patent") and 9,465,925 ("the '925 Patent") (collectively, the "Patents-in-Suit").

I. AGREED CONSTRUCTIONS

Defendant and Plaintiff (collectively, "Parties") have not yet reached agreement on the construction of any claim terms, phrases, or clauses. However, the Parties will continue to meet and confer to identify potentially agreed constructions and reduce the number of terms at issue.

II. PROPOSED CONSTRUCTIONS FOR DISPUTED TERMS AND SUPPORTING EVIDENCE

Exhibit A attached hereto provides Defendant's proposed constructions for each disputed term, phrase, and/or clause and identifies intrinsic evidence that Defendant intends to rely upon to support its proposed constructions or to oppose Plaintiff's proposed constructions. Exhibit A further provides Plaintiff's proposed constructions for each disputed term, phrase, and/or clause

and identifies intrinsic evidence that Plaintiff intends to rely upon to support its proposed constructions or to oppose Defendant's proposed constructions.

Exhibit B attached hereto provides Defendant's proposed constructions for the disputed term, phrase, and/or clause for which Defendant intends to rely upon extrinsic evidence to support its proposed constructions or to oppose Plaintiff's proposed constructions. Plaintiff does not intend to rely on any extrinsic evidence to support its proposed constructions or to oppose Defendant's proposed constructions.

The Parties' proposed constructions are subject to change as claim construction discovery progresses and as the Parties brief the issues and/or continue to meet and confer.

III. LENGTH AND NECESSITY OF CLAIM CONSTRUCTION HEARING

The Court has set the claim construction hearing for April 26, 2019 at 9:00 a.m. in Courtroom 5, on the Sixth Floor, 501 West Fifth Street, Austin, TX.

IV. WITNESSES

The Parties agree that no expert witnesses will be presented at the hearing. The Parties reserve the right to offer expert declarations at the time of their respective claim construction briefs in support of their own claim constructions and/or in response to any expert declaration offered by the other party.

V. OTHER ISSUES

[Plaintiff's Position]: Plaintiff believes that extrinsic evidence is not necessary to construe the terms of the Patents-in-Suit. Plaintiff believes that excluding extrinsic evidence is consistent with the Court's Scheduling Order and the Court's view on claim construction. As a result, Plaintiff has not exchanged extrinsic evidence with Defendant.

[Defendant's Response]: Plaintiff has provided no authority or prior case that a Court has excluded extrinsic evidence from briefing. As the Federal Circuit has noted, "extrinsic evidence can help educate the Court regarding the field of the invention and can help the court determine what a person of ordinary skill in the art would understand claim terms to mean." *Phillips v. AWH Corp.*, 415 F.3d 1303, 1319 (Fed. Cir. 2005). The Federal Circuit has further recognized that where "the intrinsic evidence before us does not provide a complete understanding of the term," the "extrinsic evidence in this instance must be consulted." *Virginia Innovation Scis., Inc. v. Samsung Elecs. Co.*, 614 F. App'x 503, 510-11 (Fed. Cir. 2015). Here, as shown by Defendants' citations to the intrinsic and extrinsic record, the extrinsic evidence supports how a person of ordinary skill in the art would interpret the plain and ordinary meaning of terms at the time of the filing of the patents.

Plaintiff requests the Court's guidance in a prehearing conference regarding a motion to exclude extrinsic evidence from claim construction briefing and to limit claim construction briefing to intrinsic evidence and exclude references to extrinsic evidence from claim construction briefing.

Dated: March 1, 2019

Respectfully submitted,

/s/ Ali Dhanani

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via electronic mail on March 1, 2019.

/s/ Ali Dhanani

I. '468 Patent

'468 Term No.	Claim Term / Phrase	Defendant's Proposed Construction and Defendant's Intrinsic Evidence	Plaintiff's Proposed Construction and Plaintiff's Intrinsic Evidence
1.	**"to generate controller instructions"** [Claim 1] **"generating … controller instructions"** [Claim 23]	"to create[ing] or bring[ing] into being computer executable instructions that determine whether to transmit or not transmit a content request from a user to the service provider network" Intrinsic Evidence: '468 Patent: Claim 1; Figures 1-7; 3:62-4:5; 4:54-64; 5:15-60; 7:35-52; 13:9-54 *Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Paper 9 (POPR) at Pages 8-14 (PTAB Dec. 14, 2017) *Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Paper 10 (Institution Decision) at Pages 5, 6, 10 (PTAB Mar. 5, 2018)	"generate computer processor-executable instructions, excluding merely a uniform resource locator (URL) or an internet protocol (IP) address" Intrinsic Evidence: '468 Patent, Claim 1; Claim 23; Figures 1–7; 7:34–8:18, 5:19–23, 11:22–43, 18:34–38 *Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Paper 9 (POPR) at Pages 8–14 (PTAB Dec. 14, 2017) *Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Exh. 2001 (Declaration of Joel R. Williams) at ¶¶ 58–69, 74–83 (PTAB Dec. 14, 2017)
2.	**"a controller node"** [Claims 1 and 23]	"a single network device that controls the operation of the gateway units" Intrinsic Evidence: '468 Patent: Claim 1; Claim 23; Figures 1-7; 3:41-48; 4:54-63; 5:4-54; 6:7-62; 7:20-33; 8:34-51; 9:55-10:39 *Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Paper 9 (POPR) at Pages 13-14	"A network-based router or computer located within the network and remote from the [gateway unit / network element] and that controls the operation of one or more [gateway units / network elements]" Intrinsic Evidence: '468 Patent, Claim 1; Claim 23; Figures 1–7; 3:43–47

'468 Term No.	Claim Term / Phrase	Defendant's Proposed Construction and Defendant's Intrinsic Evidence	Plaintiff's Proposed Construction and Plaintiff's Intrinsic Evidence
		(PTAB Dec. 14, 2017) *Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Paper 10 (Institution Decision) at Pages 5, 6, 10 (PTAB Mar. 5, 2018)	
3.	**"a service provider network"** [Claims 1 and 23]	"a network between the controller node and the plurality of gateway units that is not the public Internet and only includes those network elements operated or controlled by the service provider" Intrinsic Evidence: '468 Patent: Claim 1; Claim 23; Figures 1-7; 1:24-2:2; 2:17-19; 3:34-61; 4:33-48; 4:54-5:23; 7:4-18; 7:54-8:10; 8:19-51; 13:9-14:10 *Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Paper 9 (POPR) at Pages 4-8 (PTAB Dec. 14, 2017) *Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Paper 10 (Institution Decision) at Pages 7-13 (PTAB Mar. 5, 2018) *Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Exh. 1003 (Declaration of Dr. Hutchinson) at Pages 124 (PTAB Aug. 11, 2017) *Unified Patents, Inc. v. Multimedia Content Management*	"a network that is operated or controlled by a service provider to provide regulated access to content delivery services for subscribers, but not including subscriber equipment or a subscriber network" Intrinsic Evidence: '468 Patent, Claim 1; Claim 23; Figures 1–7; 1:35–38, 1:38–39, 3:55–58, 1:33–35 *Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Paper 9 (POPR) at Pages 4–8 (PTAB Dec. 14, 2017) *Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Exh. 2001 (Declaration of Joel R. Williams) at ¶¶ 47–57 (PTAB Dec. 14, 2017)

'468 Term No.	Claim Term / Phrase	Defendant's Proposed Construction and Defendant's Intrinsic Evidence	Plaintiff's Proposed Construction and Plaintiff's Intrinsic Evidence
		LLC, IPR2017-01934, Exh. 2001 (Declaration of Joel R. Williams) at ¶55, 86, 114, 115, 120–126 (PTAB Dec. 14, 2017) U.S. Patent No. 5,987,611 to Freund U.S. Patent No. 6,516,416 to Gregg *et al.* U.S. Patent App. Pub. No. 2002/0120577 by Hans *et al.* U.S. Patent No. 8,122,128 File History, 10-26-09 NFOA at 2-16 U.S. Patent No. 8,122,128 File History, 1-26-10 Response to NFOA at 2-3, 15, 32-36	
4.	**"selectively transmit[ting, by the plurality of gateway units,] the content requests to the service provider network in accordance with the controller instructions"** [Claims 1 and 23]	"transmitting all content requests to take place within the service provider network in response to the controller instructions' decision to transmit the content requests" Intrinsic Evidence: '468 Patent: Claim 1; Claim 23; Figures 1-7; 1:24-2:19; 4:33-48; 4:54-5:23; 6:7-24; 7:53-8:15; 9:64-10:39; 12:59-14:10 *Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Paper 9 (POPR) at Pages 4-8 (PTAB Dec. 14, 2017)	"a gateway unit, under control of the remotely located controller node, executes previously received controller instructions to determine whether to transmit a content request from a user or to take other action (e.g., deny the content request, redirect the content request, or notify authorities regarding the content request)" Intrinsic Evidence: '468 Patent, Claim 1; Claim 23; Figures 1–7; 3:22–24; 7:54–65; 8:48–51; 9:66–10:67; 12:59–13:8; 13:55–14:10

'468 Term No.	Claim Term / Phrase	Defendant's Proposed Construction and Defendant's Intrinsic Evidence	Plaintiff's Proposed Construction and Plaintiff's Intrinsic Evidence
		Unified Patents, Inc. v. Multimedia Content Management LLC, IPR2017-01934, Paper 10 (Institution Decision) at Pages 7-13 (PTAB Mar. 5, 2018) *Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Exh. 1003 (Declaration of Dr. Hutchinson) at Pages 124 (PTAB Aug. 11, 2017) *Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Exh. 2001 (Declaration of Joel R. Williams) at ¶55, 86, 114, 115, 120–126 (PTAB Dec. 14, 2017) U.S. Patent No. 5,987,611 to Freund U.S. Patent No. 6,516,416 to Gregg *et al.* U.S. Patent App. Pub. No. 2002/0120577 by Hans *et al.* U.S. Patent No. 8,122,128 File History, 10-26-09 NFOA at 2-16 U.S. Patent No. 8,122,128 File History, 1-26-10 Response to NFOA at 2-3, 15, 32-36	
5.	**"gateway units"** [Claims 1 and 23]	"computer devices that are remote from the controller node and interface with the service provider network and a subscriber terminal"	"a computer device that is located within a subscriber premise, remote from the controller node, that is under control of the controller node, and that is usable by a subscriber to perform certain functionality only as permitted by the controller node"

'468 Term No.	Claim Term / Phrase	Defendant's Proposed Construction and Defendant's Intrinsic Evidence	Plaintiff's Proposed Construction and Plaintiff's Intrinsic Evidence
		Intrinsic Evidence: '468 Patent: Claim 1; Claim 23; Figures 1-7; 3:34-48; 4:33-48; 4:64-5:3; 5:15-42; 6:25-62; 7:19-52; 9:64-10:30; 13:9-54	Intrinsic Evidence: '468 Patent, Claim 1; Claim 23; Figures 1–7; 1:52–2:2, 3:62–65, 4:6–48, 3:66–4:5 *Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Paper 9 (POPR) at Pages 11–12 (PTAB Dec. 14, 2017) *Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Exh. 2001 (Declaration of Joel R. Williams) at ¶¶ 70–73 (PTAB Dec. 14, 2017)
6.	**"gateway nodes"** [Claim 27]	"computer devices that are remote from the controller node and interface with the service provider network and a subscriber terminal" Intrinsic Evidence: '468 Patent: Claim 1; Claim 23; Figures 1-7; 3:34-48; 4:33-48; 4:64-5:3; 5:15-42; 6:25-62; 7:19-52; 9:64-10:30; 13:9-54	"a computer device that is located within a subscriber premise, remote from the controller node, that is under control of the controller node, and that is usable by a subscriber to perform certain functionality only as permitted by the controller node" Intrinsic Evidence: '468 Patent, Claim 23; Claim 27; Figures 1–7; 3:62–65, 4:6–48, 3:66–4:5, 7:54–65
7.	**"if the gateway unit enters the inactive state"**	Plain and ordinary meaning, no construction necessary with construction of overlapping terms as proposed above	"within a reasonable time before or after the gateway unit enters the inactive state"

'468 Term No.	Claim Term / Phrase	Defendant's Proposed Construction and Defendant's Intrinsic Evidence	Plaintiff's Proposed Construction and Plaintiff's Intrinsic Evidence
	[Claim 29]		Intrinsic Evidence: '468 Patent, Claim 23; Claim 28; Claim 29; Figures 1–7; 7:48–52, 10:7–30, 10: 59–63, 11:10–13
8.	**"registration information"** [Claim 33]	Plain and ordinary meaning, no construction necessary	"information that associates a gateway unit with a controller node" Intrinsic Evidence: '468 Patent, Claim 23; Claim 33; Figures 1–7; 7:20–33, 8:16–18, 15:10–18
9.	**"uniquely"** [Claim 24]	Plain and ordinary meaning, no construction necessary	"possessing, within a network, a characteristic of a device that is not shared by other devices within the network" Intrinsic Evidence: '468 Patent, Claim 23; Claim 24; Figures 1–7; 13:39–42
10.	**"further enable the gateway units to receive additional software"** [Claim 15]	Plain and ordinary meaning, no construction necessary with construction of overlapping terms as proposed above	"further enable the gateway units to receive additional executable software instructions from another device within the service provider network" Intrinsic Evidence: '468 Patent, Claim 1; Claim 15; Figures 1–7; 11:63–12:5

'468 Term No.	Claim Term / Phrase	Defendant's Proposed Construction and Defendant's Intrinsic Evidence	Plaintiff's Proposed Construction and Plaintiff's Intrinsic Evidence
11.	**"user-controlled operational mode"** [Claim 30]	Plain and ordinary meaning, no construction necessary	"a mode of operation in which the [gateway unit / network element] receives computer-executable instructions originating from a user device" Intrinsic Evidence: '468 Patent, Claim 23; Claim 30; Figures 1–7; 12:39–53
12.	**"initial operating parameters"** [Claim 33]	Plain and ordinary meaning, no construction necessary	"one or more variables associated with an operating mode first entered into by a gateway unit after registration" Intrinsic Evidence: '468 Patent, Claim 23; Claim 33; Figures 1–7; 7:23–33, 6:25–36

II.   '925 Patent

'925 Term No.	Claim Term / Phrase	Defendant's Proposed Construction Defendant's Intrinsic Evidence	Plaintiff's Proposed Construction Plaintiff's Intrinsic Evidence
1.	**"to generate controller instructions"** [Claim 1] **"generating …**	"to create[ing] or bring[ing] into being computer executable instructions that determine whether to transmit or not transmit a content request from a user to the service provider network" Intrinsic Evidence:	"generate computer processor-executable instructions, excluding merely a uniform resource locator (URL) or an internet protocol (IP) address" Intrinsic Evidence: '925 Patent, Claim 1; Figures 1–7; 7:58–8:43, 5:37–

'925 Term No.	Claim Term / Phrase	Defendant's Proposed Construction Defendant's Intrinsic Evidence	Plaintiff's Proposed Construction Plaintiff's Intrinsic Evidence
	controller instructions" [Claim 29]	'925 Patent: Claim 1; Figures 1-7; 4:7-4:19; 5:4-14; 5:33-6:7; 7:58-8:9; 13:38-14:17 *Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Paper 9 (POPR) at Pages 8-14 (PTAB Dec. 14, 2017) *Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Paper 10 (Institution Decision) at Pages 5, 6, 10 (PTAB Mar. 5, 2018)	42, 11:49–12:4 *Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Paper 9 (POPR) at Pages 8–14 (PTAB Dec. 14, 2017) *Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Exh. 2001 (Declaration of Joel R. Williams) at ¶¶ 58–69, 74–83 (PTAB Dec. 14, 2017)
2.	"controller node" [Claims 1 and 29]	"a single network device that controls the operation of the gateway units" Intrinsic Evidence: '925 Patent: Claim 1; Claim 23; Figures 1-7; 3:52-60; 5:4-14; 5:22-6:7; 6:28-7:18; 7:43-56; 8:59-9:10; 10:15-65. *Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Paper 9 (POPR) at Pages 13-14 (PTAB Dec. 14, 2017) *Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Paper 10 (Institution Decision) at Pages 5, 6, 10 (PTAB Mar. 5, 2018)	"a network-based router or computer located within the network and remote from the [gateway unit / network element] and that controls the operation of one or more [gateway units / network elements]" Intrinsic Evidence: '925 Patent, Claim 1; Claim 29; Figures 1–7; 3:55–60
3.	"a service provider network"	"a network between the controller node and the plurality of gateway units that is not the public Internet and only includes those network elements operated or controlled by	"a network that is operated or controlled by a service provider to provide regulated access to content delivery services for subscribers, but not including

'925 Term No.	Claim Term / Phrase	Defendant's Proposed Construction Defendant's Intrinsic Evidence	Plaintiff's Proposed Construction Plaintiff's Intrinsic Evidence
	[Claims 1 and 29]	the service provider"	subscriber equipment or a subscriber network"
		Intrinsic Evidence: '925 Patent: Claim 1; Claim 23; Figures 1-7; 1:30-2:11; 2:27-29; 3:45-4:6; 4:48-64; 5:4-5:42; 7:27-41; 8:11-35; 8:44-9:10; 13:38-14:40	Intrinsic Evidence: '925 Patent, Claim 1; Claim 29; Figures 1–7; 1:43–48, 1:49–50, 3:67–4:3, 1:38–41
		Unified Patents, Inc. v. Multimedia Content Management LLC, IPR2017-01934, Paper 9 (POPR) at Pages 4-8 (PTAB Dec. 14, 2017)	*Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Paper 9 (POPR) at Pages 4–8 (PTAB Dec. 14, 2017)
		Unified Patents, Inc. v. Multimedia Content Management LLC, IPR2017-01934, Paper 10 (Institution Decision) at Pages 7-13 (PTAB Mar. 5, 2018)	*Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Exh. 2001 (Declaration of Joel R. Williams) at ¶¶ 47–57 (PTAB Dec. 14, 2017)
		Unified Patents, Inc. v. Multimedia Content Management LLC, IPR2017-01934, Exh. 1003 (Declaration of Dr. Hutchinson) at Pages 124 (PTAB Aug. 11, 2017)	
		Unified Patents, Inc. v. Multimedia Content Management LLC, IPR2017-01934, Exh. 2001 (Declaration of Joel R. Williams) at ¶55, 86, 114, 115, 120–126 (PTAB Dec. 14, 2017)	
		U.S. Patent No. 5,987,611 to Freund	
		U.S. Patent No. 6,516,416 to Gregg *et al.*	
		U.S. Patent App. Pub. No. 2002/0120577 by Hans *et al.*	

'925 Term No.	Claim Term / Phrase	Defendant's Proposed Construction Defendant's Intrinsic Evidence	Plaintiff's Proposed Construction Plaintiff's Intrinsic Evidence
		U.S. Patent No. 8,122,128 File History, 10-26-09 NFOA at 2-16 U.S. Patent No. 8,122,128 File History, 1-26-10 Response to NFOA at 2-3, 15, 32-36	
4.	**"selectively transmit[ting], by the plurality of network elements, [the] content requests to the service provider network in accordance with the controller instructions"** [Claims 1 and 29]	"transmitting all content requests to take place within the service provider network in response to the controller instructions' decision to transmit the content requests" Intrinsic Evidence: '925 Patent: Claim 1; Claim 23; Figures 1-7; 1:30-2:29; 4:48-64; 6:28-46; 8:10-8:35; 10:24-10:56; 13:21-14:40 *Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Paper 9 (POPR) at Pages 4-8 (PTAB Dec. 14, 2017) *Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Paper 10 (Institution Decision) at Pages 7-13 (PTAB Mar. 5, 2018) *Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Exh. 1003 (Declaration of Dr. Hutchinson) at Pages 124 (PTAB Aug. 11, 2017) *Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Exh. 2001 (Declaration of Joel R.	"a gateway unit, under control of the remotely located controller node, executes previously received controller instructions to determine whether to transmit a content request from a user or to take other action (e.g., deny the content request, redirect the content request, or notify authorities regarding the content request)" Intrinsic Evidence: '925 Patent, Claim 1; Claim 29; Figures 1–7; 3:34–36; 8:11–23; 9:6–10; 10:26–11:25; 13:21–37; 14:18–40

'925 Term No.	Claim Term / Phrase	Defendant's Proposed Construction Defendant's Intrinsic Evidence	Plaintiff's Proposed Construction Plaintiff's Intrinsic Evidence
		Williams) at ¶55, 86, 114, 115, 120–126 (PTAB Dec. 14, 2017) U.S. Patent No. 5,987,611 to Freund U.S. Patent No. 6,516,416 to Gregg *et al.* U.S. Patent App. Pub. No. 2002/0120577 by Hans *et al.* U.S. Patent No. 8,122,128 File History, 10-26-09 NFOA at 2-16 U.S. Patent No. 8,122,128 File History, 1-26-10 Response to NFOA at 2-3, 15, 32-36	
5.	**"network elements"** [Claims 1 and 29]	"computer devices within the service provider network" Intrinsic Evidence: '925 Patent: Claim 1; Claim 24; Claim 29; Abstract; Figure 1; Figure 4; 1:39-41; 7:23-26; 7:27-41	"a computer device that is located remote from the controller node, that is under control of the controller node, and that is usable by a subscriber to perform certain functionality only as permitted by the controller node" Intrinsic Evidence: '925 Patent, Claim 1; Claim 29; Figures 1–7; 3:2–13, 4:20–64, 4:12–19
6.	**"gateway unit"** [Claims 40 and 41]	"computer devices that are remote from the controller node and interface with the service provider network and a subscriber terminal"	"a computer device that is located within a subscriber premise, remote from the controller node, that is under control of the controller node, and that is usable by a subscriber to perform certain functionality only as

'925 Term No.	Claim Term / Phrase	Defendant's Proposed Construction Defendant's Intrinsic Evidence	Plaintiff's Proposed Construction Plaintiff's Intrinsic Evidence
		Intrinsic Evidence: '925 Patent: Claim 1; Claim 23; Figures 1-7; 3:45-65; 4:48-64; 515-21; 5:33-61; 6:47-7:18; 7:42-8:9; 10:24-10:56; 13:38-14:17	permitted by the controller node" Intrinsic Evidence: '925 Patent, Claim 29; Claim 40; Claim 41; Figures 1–7; 1:60–2:11, 4:8–11, 4:20–64, 4:11–19 *Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Paper 9 (POPR) at Pages 11–12 (PTAB Dec. 14, 2017) *Unified Patents, Inc. v. Multimedia Content Management LLC*, IPR2017-01934, Exh. 2001 (Declaration of Joel R. Williams) at ¶¶ 70–73 (PTAB Dec. 14, 2017)
7.	**"user-controlled operational mode"** [Claim 36]	Plain and ordinary meaning, no construction necessary	"a mode of operation in which the [gateway unit / network element] receives computer-executable instructions originating from a user device" Intrinsic Evidence: '925 Patent, Claim 29; Claim 36; Figures 1–7; 13:1–15
8.	**"subscriber management system"** [Claim 25]	Plain and ordinary meaning, no construction necessary	"a system that manages subscriber devices of a service provider network, the subscriber management system being part of the service provider network" Intrinsic Evidence:

'925 Term No.	Claim Term / Phrase	Defendant's Proposed Construction Defendant's Intrinsic Evidence	Plaintiff's Proposed Construction Plaintiff's Intrinsic Evidence
			'925 Patent, Claim 1; Claim 25; Figures 1–7; 7:33–41, 10:15–21
9.	**"authenticate subscribers or devices before allowing access into the service provider network"** [Claim 25]	Plain and ordinary meaning, no construction necessary with construction of overlapping terms as proposed above	"identifying subscribers or devices that are allowed to access a requested service provided by the service provider network" Intrinsic Evidence: '925 Patent, Claim 1; Claim 25; Figures 1–7; 10:15–21, 4:7–19, 7:33–41, 15:9–30

I.   '468 Patent

'468 Term No.	Claim Term / Phrase	Defendant's Proposed Construction Defendant's Extrinsic Evidence
1.	**"to generate controller instructions"** [Claim 1] **"generating … controller instructions"** [Claim 23]	"to create[ing] or bring[ing] into being computer executable instructions that determine whether to transmit or not transmit a content request from a user to the service provider network" Extrinsic Evidence: Microsoft Press Computer Dictionary (3rd Edition 1997): Controller - "A device on which other devices rely for access to a computer subsystem. A disk controller, for example, controls access to one or more disk drives, managing physical and logical access to the drive or drives." Newton's Telecom Dictionary (15th Edition 1999): Controller - "In the truest sense, a device which controls the operation of another piece of equipment. In its more common data communications sense, a device between a host and terminals that relays information between them." The American Heritage Dictionary (4th Edition 2000): Generate - "To bring into being; give rise to" Forthcoming declaration of Tony Wechselberger. Plaintiff's Opposition to Defendant's Motion to Dismiss, ECF No. 16 at 4-5. Order Denying Defendant DISH Network Corporation's Motion to Dismiss, ECF No. 34 at 9-10.
2.	**"a controller node"** [Claims 1 and 23]	"a single network device that controls the operation of the gateway units" Extrinsic Evidence: Microsoft Press Computer Dictionary (3rd Edition 1997): Controller - "A device on which other devices rely for access to a computer subsystem. A disk controller, for example, controls access to one or more disk drives, managing physical and logical access to the drive or drives."

'468 Term No.	Claim Term / Phrase	Defendant's Proposed Construction Defendant's Extrinsic Evidence
		Newton's Telecom Dictionary (15th Edition 1999): Controller - "In the truest sense, a device which controls the operation of another piece of equipment. In its more common data communications sense, a device between a host and terminals that relays information between them." Microsoft Press Computer Dictionary (3rd Edition 1997): Node - "1. A junction of some type. 2. In local area networks, a device that is connected to the network and is capable of communicating with other network devices." The Computer Glossary The Complete Illustrated Dictionary (7th Edition 1995): Node - "(1) In communications, a network junction or connection point (terminal or computer)." Forthcoming declaration of Tony Wechselberger. Order Denying Defendant DISH Network Corporation's Motion to Dismiss, ECF No. 34 at 9-10.
3.	**"a service provider network"** [Claims 1 and 23]	"a network between the controller node and the plurality of gateway units that is not the public Internet and only includes those network elements operated or controlled by the service provider" Extrinsic Evidence: Forthcoming declaration of Tony Wechselberger Plaintiff's Opposition to Defendant's Motion to Dismiss, ECF No. 16 at 4 Order Denying Defendant DISH Network Corporation's Motion to Dismiss, ECF No. 34 at 9-10
4.	**"selectively transmit[ting, by the plurality of gateway units,] the**	"transmitting all content requests to take place within the service provider network in response to the controller instructions' decision to transmit the content requests"

'468 Term No.	Claim Term / Phrase	Defendant's Proposed Construction Defendant's Extrinsic Evidence
	content requests to the service provider network in accordance with the controller instructions" [Claims 1 and 23]	Extrinsic Evidence: Forthcoming declaration of Tony Wechselberger Plaintiff's Opposition to Defendant's Motion to Dismiss, ECF No. 16 at 6 Order Denying Defendant DISH Network Corporation's Motion to Dismiss, ECF No. 34 at 9-10
5.	**"gateway units"** [Claims 1 and 23]	"computer devices that are remote from the controller node and interface with the service provider network and a subscriber terminal" Extrinsic Evidence: Microsoft Press Computer Dictionary (3rd Edition 1997): Gateway - "A device that connects networks using different communications protocols so that information can be passed from one to the other. A gateway both transfers information and converts it to a form compatible with the protocols used by the receiving network." The Computer Glossary The Complete Illustrated Dictionary (7th Edition 1995): Gateway - "(1) A computer that performs protocol conversion between different types of networks or applications. For example, a gateway can connect a personal computer LAN to a mainframe network. An electronic mail, or messaging, gateway converts messages between two different messaging protocols." Newton's Telecom Dictionary (15th Edition 1999): Gateway - "… In data networks, gateways are typically a node on both two networks that connects two otherwise incompatible networks …" Plaintiff's Opposition to Defendant's Motion to Dismiss, ECF No. 16 at 5. Order Denying Defendant DISH Network Corporation's Motion to Dismiss, ECF No. 34 at 9-10.

'468 Term No.	Claim Term / Phrase	Defendant's Proposed Construction Defendant's Extrinsic Evidence
6.	**"gateway nodes"** [Claim 27]	"computer devices that are remote from the controller node and interface with the service provider network and a subscriber terminal" Extrinsic Evidence: Microsoft Press Computer Dictionary (3rd Edition 1997): Gateway - "A device that connects networks using different communications protocols so that information can be passed from one to the other. A gateway both transfers information and converts it to a form compatible with the protocols used by the receiving network." The Computer Glossary The Complete Illustrated Dictionary (7th Edition 1995): Gateway - "(1) A computer that performs protocol conversion between different types of networks or applications. For example, a gateway can connect a personal computer LAN to a mainframe network. An electronic mail, or messaging, gateway converts messages between two different messaging protocols." Newton's Telecom Dictionary (15th Edition 1999): Gateway - "… In data networks, gateways are typically a node on both two networks that connects two otherwise incompatible networks …" Plaintiff's Opposition to Defendant's Motion to Dismiss, ECF No. 16 at 5. Order Denying Defendant DISH Network Corporation's Motion to Dismiss, ECF No. 34 at 9-10.
7.	**"if the gateway unit enters the inactive state"** [Claim 29]	Plain and ordinary meaning, no construction necessary with construction of overlapping terms as proposed above Extrinsic Evidence: Microsoft Press Computer Dictionary (3rd Edition 1997): State and Status – "The condition at a particular time of any of numerous elements of computing-a device, a communications channel, a network station, a program, a bit, or other element-used to report on or to control computer operations."
8.	"registration	Plain and ordinary meaning, no construction necessary

'468 Term No.	Claim Term / Phrase	Defendant's Proposed Construction Defendant's Extrinsic Evidence
	information" [Claim 33]	Newton's Telecom Dictionary (15th Edition 1999): Registration – "The address registration function is the mechanism by which Clients provide address information to the LAN Emulation Server"
9.	**"uniquely"** [Claim 24]	Plain and ordinary meaning, no construction necessary Extrinsic Evidence: Newton's Telecom Dictionary (15th Edition 1999): Unique Addressing – "The addressing of a node by using the software-programmable address assigned to each one upon system initialization"
10.	**"further enable the gateway units to receive additional software"** [Claim 15]	Plain and ordinary meaning, no construction necessary with construction of overlapping terms as proposed above
11.	**"user-controlled operational mode"** [Claim 30]	Plain and ordinary meaning, no construction necessary
12.	**"initial operating parameters"** [Claim 33]	Plain and ordinary meaning, no construction necessary Extrinsic Evidence: Microsoft Press Computer Dictionary (3rd Edition 1997): Parameter – "In programming, a value that is given to a variable, either at the beginning of an operation or before an expression is evaluated by a program. Until the operation is completed, a parameter is effectively treated as a constant value by the program. A parameter can be a text, a number, or an argument name assigned to a value that is passed from one routine to another. Parameters are used as a means of customizing program operation."

II.   '925 Patent

'925 Term No.	Claim Term / Phrase	Defendant's Proposed Construction Defendant's Extrinsic Evidence
1.	**"to generate controller instructions"** [Claim 1] **"generating … controller instructions"** [Claim 29]	"to create[ing] or bring[ing] into being computer executable instructions that determine whether to transmit or not transmit a content request from a user to the service provider network" Extrinsic Evidence: Microsoft Press Computer Dictionary (3rd Edition 1997): Controller - "A device on which other devices rely for access to a computer subsystem. A disk controller, for example, controls access to one or more disk drives, managing physical and logical access to the drive or drives." Newton's Telecom Dictionary (15th Edition 1999): Controller - "In the truest sense, a device which controls the operation of another piece of equipment. In its more common data communications sense, a device between a host and terminals that relays information between them." The American Heritage Dictionary (4th Edition 2000): Generate - "To bring into being; give rise to" Forthcoming declaration of Tony Wechselberger Plaintiff's Opposition to Defendant's Motion to Dismiss, ECF No. 16 at 4-5 Order Denying Defendant DISH Network Corporation's Motion to Dismiss, ECF No. 34 at 9-10
2.	**"controller node"** [Claims 1 and 29]	"a single network device that controls the operation of the gateway units" Extrinsic Evidence: Microsoft Press Computer Dictionary (3rd Edition 1997): Controller - "A device on which other devices rely for access to a computer subsystem. A disk controller, for example, controls access to one or more disk drives, managing physical and logical access to the drive or drives."

'925 Term No.	Claim Term / Phrase	Defendant's Proposed Construction Defendant's Extrinsic Evidence
		Newton's Telecom Dictionary (15th Edition 1999): Controller - "In the truest sense, a device which controls the operation of another piece of equipment. In its more common data communications sense, a device between a host and terminals that relays information between them." Microsoft Press Computer Dictionary (3rd Edition 1997): Node - "1. A junction of some type. 2. In local area networks, a device that is connected to the network and is capable of communicating with other network devices." The Computer Glossary The Complete Illustrated Dictionary (7th Edition 1995): Node - "(1) In communications, a network junction or connection point (terminal or computer)." Forthcoming declaration of Tony Wechselberger Order Denying Defendant DISH Network Corporation's Motion to Dismiss, ECF No. 34 at 9-10
3.	**"a service provider network"** [Claims 1 and 29]	"a network between the controller node and the plurality of gateway units that is not the public Internet and only includes those network elements operated or controlled by the service provider" Extrinsic Evidence: Forthcoming declaration of Tony Wechselberger Plaintiff's Opposition to Defendant's Motion to Dismiss, ECF No. 16 at 4 Order Denying Defendant DISH Network Corporation's Motion to Dismiss, ECF No. 34 at 9-10
4.	**"selectively transmit[ting], by the plurality of network elements, [the] content**	"transmitting all content requests to take place within the service provider network in response to the controller instructions' decision to transmit the content requests" Extrinsic Evidence:

'925 Term No.	Claim Term / Phrase	Defendant's Proposed Construction Defendant's Extrinsic Evidence
	requests to the service provider network in accordance with the controller instructions" [Claims 1 and 29]	Forthcoming declaration of Tony Wechselberger Plaintiff's Opposition to Defendant's Motion to Dismiss, ECF No. 16 at 6 Order Denying Defendant DISH Network Corporation's Motion to Dismiss, ECF No. 34 at 9-10
5.	**"network elements"** [Claims 1 and 29]	"computer devices within the service provider network" Extrinsic Evidence: Plaintiff's Opposition to Defendant's Motion to Dismiss, ECF No. 16 at 5. Order Denying Defendant DISH Network Corporation's Motion to Dismiss, ECF No. 34 at 9-10.
6.	**"gateway unit"** [Claims 40 and 41]	"computer devices that are remote from the controller node and interface with the service provider network and a subscriber terminal" Extrinsic Evidence: Microsoft Press Computer Dictionary (3rd Edition 1997): Gateway - "A device that connects networks using different communications protocols so that information can be passed from one to the other. A gateway both transfers information and converts it to a form compatible with the protocols used by the receiving network." The Computer Glossary The Complete Illustrated Dictionary (7th Edition 1995): Gateway - "(1) A computer that performs protocol conversion between different types of networks or applications. For example, a gateway can connect a personal computer LAN to a mainframe network. An electronic mail, or messaging, gateway converts messages between two different messaging protocols."

'925 Term No.	Claim Term / Phrase	Defendant's Proposed Construction Defendant's Extrinsic Evidence
		Newton's Telecom Dictionary (15th Edition 1999): Gateway - "… In data networks, gateways are typically a node on both two networks that connects two otherwise incompatible networks …" Plaintiff's Opposition to Defendant's Motion to Dismiss, ECF No. 16 at 5. Order Denying Defendant DISH Network Corporation's Motion to Dismiss, ECF No. 34 at 9-10
7.	**"user-controlled operational mode"** [Claim 36]	Plain and ordinary meaning, no construction necessary
8.	**"subscriber management system"** [Claim 25]	Plain and ordinary meaning, no construction necessary
9.	**"authenticate subscribers or devices before allowing access into the service provider network"** [Claim 25]	Plain and ordinary meaning, no construction necessary with construction of overlapping terms as proposed above Extrinsic Evidence: Newton's Telecom Dictionary (15th Edition 1999): Authenticate - "… To verify the identity of a user, device, or other entity in a computer system, or to verify the integrity of data that have been stored, transmitted, or otherwise exposed to possible unauthorized modification…." Microsoft Press Computer Dictionary (3rd Edition 1997): Authentication - "In a multiuser or network operating system, the process by which the system validates a user's logon information."